

On the Senate side, the long-standing, much revered two-thirds rule, by which no bill can be brought to the floor without the consent of two-thirds of the Senators, was changed in 2009 to exempt voter id, allowing the bill to pass on a party-line vote of 19-12. This was done because it only takes 11 Democrats to block a controversial bill from coming to the floor and Senate Democrats had previously used the two-thirds rule to prevent similar legislation. It should be noted that all African American and Latino State Senators are Democrats, and all had repeatedly voted against the legislation. So the only way to get voter I.D. passed in the Senate was to disregard decades of Senate precedent.

Improper Implementation

Additionally, discrimination is likely to occur due to improper implementation of the legislation. The Secretary of State's office, as of August 3, 2011, still had not established procedures for implementing the legislation. At the Election Law Seminar held for County Elections officials, many of the questions raised by the elections officials as to how they were to go about holding the election under the legislation were unable to be answered by the Secretary of State's office. Further, even for those Texans who do have photo ID, SB 14 makes an assumption that all voters look like their driver's license photo, and many of us do not. In Texas, your license is good for 6 years and you can renew your license online every other time you renew, and you can renew online up to 2 years after your license expires. This means a voter could present a driver's license with a photo that is up to 14 years old – and many of us looked very different that many years ago. To illustrate this concern, we asked some Texas Democrats to send us their driver's license photos along with a current photo. I have included just a few of those photos in this submission as crystal clear evidence that there are a great many Texans who do not resemble their license photos. Under this legislation, the thousands of election judges across the state who are already overworked and underpaid for their civic service would now have to undergo additional training to learn to deal with the validity and accuracy of photo IDs and whether or not an eligible voter gets to cast their ballot may depend on an elderly poll worker's eyesight and judgment.

Opposition from non-partisan groups

But don't just take our word for it. This legislation was opposed by many non-partisan organizations who work with the affected communities. The list of witnesses for and against SB 14 during House and Senate testimony on the bill is enclosed. Organizations such as the League of Women Voters, the Coalition of Texans with Disabilities, the League of United Latin American Citizens, and the National Association for the Advancement of Colored People with long histories of championing the rights of voters registered against the bill. Notice that the entities signing in "for" the bill, such as the King Street Patriots and the Harris County Tax Assessor's office, are some of the same entities referenced earlier about whom complaints have been filed for voter intimidation and suppression. This is no coincidence.

Sincerely,

September 20, 2011

Mr. Steve McCraw
Director
Texas Department of Public Safety
5805 N. Lamar Blvd
Austin, Texas 78773

Dear Mr. McGraw:

I write regarding the Department of Public Safety's (DPS) implementation of Senate Bill 14 (82nd Legislature), also known as the "voter ID" bill. I have a number of outstanding questions that I hope can be addressed prior to DPS's draft rules being released for public comment:

- How many DPS office locations will be issuing the election identification certificate (EIC), the free identification option that satisfies the requirements of Section 63.001(b), Election Code? Where are these offices located?
- Will persons seeking to apply for an EIC have to wait in the same line as others seeking to apply for a driver's license? Or will there be a separate processing line for those only seeking an EIC?
- What is the current average wait time, by day of the week, for persons seeking to apply for a driver's license at each DPS office location that will be issuing EICs?
- What identification will be required in order to obtain an EIC?
- How long do you anticipate the turnaround will be from the day a person applies for an EIC to the date they receive the actual EIC? Will DPS be offering a temporary EIC at DPS office locations that will comply with the requirements of Section 63.001(b) of the Election Code so that any delays in processing or mailing out the official EIC will not result in a person's inability to vote?
- Recent press reports indicate that a top official in the Wisconsin Department of Transportation instructed staff at Division of Motor Vehicles service centers *not* to tell members of the public that they can obtain voter identification cards free of charge unless they know to ask for it. Will DPS be taking a similar approach? In other words, will DPS staff be precluded from telling members of the public that they can obtain an EIC free-of-charge unless directly asked?

Mr. Steve McCraw
Page 2 of 2

- Does DPS plan on organizing any satellite locations, temporary or otherwise, in order to provide Texans with opportunities to apply for an EIC outside of the normal DPS office locations? I would note this would be especially relevant for Texans with disabilities, the elderly, and those too sick or without means to travel to a DPS office location.

As DPS develops draft rules for SB 14's implementation, I ask that you take into consideration the concerns expressed above. While it is my desire to have a free, fair, and secure election system, it must also be accessible to all eligible voters. I look forward to your written response to my questions.

Sincerely,

Rodney Ellis

CC: The Honorable Hope Andrade

6/23/2014

FW: Following Up on the Voter Id mail out. Thank you

From: Jeremy Brown <Jeremy.Brown@senate.state.tx.us>

To: senatorrge <senatorrge@aol.com>

Cc: Brandon Dudley <Brandon.Dudley@senate.state.tx.us>

Subject: FW: Following Up on the Voter Id mail out. Thank you

Date: Wed, Oct 23, 2013 11:20 am

Attachments: Notice_to_Voters_v9.pdf (510K)

Senator,

The County Clerk's office mailed a notice this past weekend to registered voters who don't have a valid form of ID for voting purposes on record. Attached is the letter.

Jeremy L. Brown

District Director/Legal Counsel

Office of Texas State Senator Rodney Ellis

District Office

713-236-0306

From: Hudspeth, Teneshia (CCO) [<mailto:THudspeth@cco.hctx.net>]

Sent: Monday, October 21, 2013 4:51 PM

To: Jeremy Brown

Subject: RE: Following Up on the Voter Id mail out. Thank you

Thank you for following up Jeremy. Please see the attached letter. How was Saturday's event? Did you have enough materials?

TENESHIA HUDSPETH

Communications & Voter Outreach Department

Office of Harris County Clerk, Stan Stanart

1001 Preston, 4th Floor

Houston, TX 77002

713 274 9550 (Office)

713 755 9311 (Fax)

6/23/2014

FW: Following Up on the Voter Id mail out. Thank you

thudspeth@cco.hctx.net

From: Jeremy Brown [<mailto:Jeremy.Brown@senate.state.tx.us>]

Sent: Monday, October 21, 2013 4:40 PM

To: Hudspeth, Teneshia (CCO)

Subject: Following Up on the Voter Id mail out. Thank you

Jeremy L. Brown

District Director/Legal Counsel

Office of Texas State Senator Rodney Ellis

District Office

713-236-0306



STAN STANART

COUNTY CLERK

Recording the Major Events of Your Life

Voter Photo Identification Requirements for November and Future Elections

Dear Voter,

Texas Election law has changed regarding the necessary identification that a voter is required to bring to the election polls. This notice is to advise you of the type of identification that is required so that you are prepared for voting during the Early Voting period or on Election Day. **All voters are now required to provide one of the following types of photo identification when voting in person:**

- **Texas Driver's License, Election Identification Card or Texas Personal Identification Card** issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation;
- **United States Military Identification** card that contains the person's photograph that has not expired or that expired no earlier than 60 days before the date of presentation;
- **United States Citizenship Certificate** issued to the person that contains the person's photograph;
- **United States Passport** issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or
- **Texas Concealed Handgun License** issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation.

If you do not have one of these types of photo identification, you may receive a free **Election Identification Card (EIC)** from the Department of Public Safety (DPS). Requirements to apply for an EIC can be found at <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>.

If you are **65 or older, or are disabled**, you are entitled to apply for a ballot by mail. In most cases, you will not need to provide photo identification, if you vote by mail. October 25, 2013 is the last day for Harris County to receive an application for a ballot by mail (received, not postmarked). To obtain an application to vote by mail, you may contact our offices at 713-755-6965 or visit www.HarrisVotes.com.

Please be prepared to present the required photo identification when you arrive to vote at the polls. **Early Voting is October 21, 2013 to November 1, 2013 and Election Day is November 5, 2013.** Early Voting locations, your Election Day location, and your voter specific sample ballot can be found at www.HarrisVotes.com.

Should you have any questions, please see www.HarrisVotes.com or contact our Elections Department at 713-755-5792.

Sincerely,

A handwritten signature in cursive script that reads "Stan Stanart".

STAN STANART

Harris County Clerk & Chief Elections Official

1001 Preston, 4th Floor • Houston, TX 77002 • 713.755.5792
www.HarrisVotes.com

Requisitos de Identificación con Foto de Votante para noviembre y futuras elecciones

Estimado Votante,

La ley Electoral de Texas ha cambiado con respecto a la necesaria identificación que se requiere a un votante llevar a las urnas electorales. Este aviso es para informarle sobre el tipo de identificación que se requiere para que usted esté preparado para la votación durante el periodo de votación temprana o el día de las elecciones. Todos los votantes están obligados a presentar uno de los siguientes tipos de identificación con foto al votar en persona:

- **Licencia de Conducir de Texas, Tarjeta de Identificación Electoral o Tarjeta de Identificación Personal de Texas** expedido a la persona por el Departamento de Seguridad Pública que no haya expirado o expirado no más temprano de 60 días antes de la fecha de presentación;
- **Tarjeta de identificación militar de los Estados Unidos** que contiene la fotografía de la persona que no haya expirado o expirado no más temprano de 60 días antes de la fecha de presentación;
- **Certificado de Ciudadanía de Estados Unidos** otorgado a la persona que contiene la fotografía de la persona;
- **Pasaporte de los Estados Unidos** expedido a la persona que no haya expirado o expirado no más temprano de 60 días antes de la fecha de presentación, o
- **Licencia de Arma Ocultada de Tejas** expedido a la persona por el Departamento de Seguridad Pública que no haya expirado o expirado no más temprano de 60 días antes de la fecha de presentación.

Si no tiene uno de estos tipos de identificación con foto, puede recibir una tarjeta de identificación electoral gratis (EIC) del Departamento de Seguridad Pública (DPS). Requisitos para solicitar una EIC se pueden encontrar en <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>.

Si usted tiene 65 años o mas, o está incapacitado, usted tiene derecho a solicitar una boleta electoral por correo. En la mayoría de los casos, si usted vota por correo, usted no tendrá que proporcionar identificación con foto. El 25 de octubre 2013 es el último día que el Condado de Harris puede recibir una solicitud para votar por correo (recibido, no matasellos). Para obtener una solicitud para votar por correo, puede comunicarse con nuestras oficinas al 713-755-6965 o visite www.HarrisVotes.com.

Por favor, esté preparado para presentar la documentación con fotografía necesaria al llegar a votar en las urnas. La votación Temprana es el 21 octubre 2013 ha el 1 de noviembre 2013 y el día de las elecciones es el 5 de noviembre 2013. Los lugares de votación temprana y su lugar de votación el día de las elecciones, y boleta de muestra específica se pueden encontrar en www.HarrisVotes.com.

Si tiene alguna duda, consulte a www.HarrisVotes.com o póngase en contacto con nuestro Departamento de Elecciones al 713-755-5792.

Sinceramente, **STAN STANART**, Secretario del Condado de Harris y Principal Oficial de Elecciones

Những Yêu Cầu về Căn Cước Có Hình Ảnh Cử Tri cho Các Cuộc Bầu Thưởng Mười Một và Trong Tương Lai

Thưa cử tri,

Luật Bầu Cử Texas đã thay đổi liên quan đến việc căn cước cần thiết mà một cử tri đòi hỏi phải mang đến các địa điểm bầu cử. Thông báo này như một khuyến cáo cho quý vị về các loại căn cước đòi hỏi đó để quý vị có được sự chuẩn bị cho bầu cử trong thời gian Bầu Cử Sớm hoặc trong Ngày Bầu Cử. Tất cả các cử tri đòi hỏi phải xuất trình một trong các loại căn cước có hình ảnh sau đây khi đích thân đi đầu phiếu:

- **Bảng Lái Xe Texas, Giấy Chứng Nhận Căn Cước Bầu Cử hoặc Thẻ Căn Cước Cá Nhân Texas** đã cấp cho người đó bởi Sở An Toàn Công Cộng (DPS) phải chưa hết hạn hoặc đã hết hạn không quá 60 ngày trước ngày xuất trình;
- **Thẻ Căn Cước Quân Đội Hoa Kỳ** có hình ảnh của người đó phải chưa hết hạn hoặc đã hết hạn không quá 60 ngày trước ngày xuất trình;
- **Giấy Chứng Nhận Quốc Tịch Hoa Kỳ** đã cấp cho người đó chứa hình ảnh của người đó;
- **Hộ Chiếu Hoa Kỳ** đã cấp cho người đó phải chưa hết hạn hoặc đã hết hạn không quá 60 ngày trước ngày xuất trình; hoặc
- **Giấy Phép Mang Súng Giấu Kín Texas** đã cấp cho người đó bởi Sở An Toàn Công Cộng (DPS) phải chưa hết hạn hoặc đã hết hạn không quá 60 ngày trước ngày xuất trình.

Nếu quý vị không có một trong các loại căn cước có hình ảnh này, quý vị có thể nhận được một Giấy Chứng Nhận Căn Cước Bầu Cử (EIC) miễn phí từ Sở An Toàn Công Cộng (DPS). Những yêu cầu để nộp đơn xin EIC có thể được tìm thấy tại <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>.

Nếu quý vị từ 65 tuổi trở lên, hoặc bị khuyết tật, quý vị có thể nộp đơn để bỏ phiếu bằng thư. Trong hầu hết các trường hợp, quý vị sẽ không cần phải cung cấp căn cước có hình ảnh, nếu quý vị bỏ phiếu bằng thư. Ngày 25 tháng 10, 2013 là ngày cuối cùng cho Quận Hạt Harris nhận đơn xin bỏ phiếu bằng thư (là nhận được, không phải đầu bưu điện). Để có được một đơn xin bỏ phiếu bằng thư, quý vị có thể liên lạc với văn phòng của chúng tôi tại 713-755-6965 hoặc truy cập trang mạng www.HarrisVotes.com.

Xin vui lòng chuẩn bị để xuất trình căn cước có hình ảnh được yêu cầu khi quý vị đến bầu cử tại các phòng phiếu. Bầu Cử Sớm là ngày 21 tháng Mười, 2013 đến ngày 1 tháng Mười Một, 2013 và Ngày Bầu Cử là ngày 5 tháng Mười Một, 2013. Các địa điểm Bầu Cử Sớm, địa điểm Ngày Bầu Cử của quý vị, và lá phiếu riêng biệt của quý vị có thể được tìm thấy tại www.HarrisVotes.com.

Nếu quý vị có bất kỳ thắc mắc gì, vui lòng vào trang mạng www.HarrisVotes.com hoặc liên lạc với Ty Bầu Cử của chúng tôi tại 713-755-5792.

Chân thành, **STAN STANART**, Giám Đốc Nha Hành Chánh Quận Hạt Harris & Chánh Các Cuộc Bầu Cử Chính Thức

11 月與未來選舉投票時攜帶證件之規定

親愛的選民

Texas 選舉法已更改有關選民在選舉時所必須攜帶的必須帶證件之規定。本通知的目的在於

告知所有無必要帶證件之選民，以確保在前往投票時已做好充分的準備。現在

所有的選民在前往投票時必須出示下列之一的帶證件證件：

- Texas 駕駛執照，選舉個人識別證明或 Texas 個人身份證由 公共安全部所開立，必須是未過期或是已過期但於出示日前不超過 60 日的過期天數；
- 美國軍人身份證包含個人照片，必須是未過期或是已過期但於出示日前不超過 60 日的過期天數；
- 美國公民證明包含個人照片；
- 美國護照必須是未過期或是已過期但於出示日前不超過 60 日的過期天數；或
- Texas 隱藏槍枝執照由公共安全部所開立，必須是未過期或是已過期但於出示日前不超過 60 日的過期天數。

如果您未持有其之一的帶證件證件，您可以向公共安全部 (DPS) 申請一張選舉個人識別證明 (EIC)。有關 EIC 申請的規定請上網查詢 <http://www.txdps.state.tx.us/DriverLicense/electionID.htm>。

如果您年滿 65 歲或以上，或係殘障，您有權利申請郵遞選票。如果您透過郵遞方式投票，在大多數情況下，您不需要提供帶證件證件。Harris 縣接受郵遞選票的最後截止日是 2013 年 10 月 25 日 (收件日，非郵遞日)。有關郵遞選票的申請書請致電我們的辦公室 713-755-6965 或上網查詢 www.HarrisVotes.com。

當您前往投票所投票時，請帶妥並出示帶證件證件。提前投票時間為 2013 年 10 月 21 日至 2013 年 11 月 1 日，2013 年 11 月 5 日為最後一日。有關提前投票地點，選舉日當天您的投票地點，您的選票樣本均可上網查詢 www.HarrisVotes.com。

如果您有任何問題，您可以上網查詢 www.HarrisVotes.com 或聯絡我們的選務處 713-755-5792。

順頌時祺，**STAN STANART**, Harris 縣行政書記官&首席選務官

1001 Preston, 4th Floor • Houston, TX 77002 • 713.755.5792
www.HarrisVotes.com

6/23/2014

NEWS CLIPS YOU NEED TO SEE

From: qr <qr@quorumreport.com>

To: senatorrge <senatorrge@aol.com>

Subject: NEWS CLIPS YOU NEED TO SEE

Date: Tue, Oct 22, 2013 7:49 am

The Quorum Report website <http://www.quorumreport.com> has been updated.

MORNING CALL: THE NEWS CLIPS YOU NEED TO SEE.

Lead

PATRICK ASKS WHY ESTIMATES VARY ON BORDER SECURITY SPENDING

STATE SAYS 'FETAL LIFE' CAN BE PROTECTED

WEEKLEY: TEXAS SHOWS TORT REFORM WORKS FOR EVERYBODY – EXCEPT GREEDY TRIAL LAWYERS

JIM DEMINT'S DESTRUCTION OF THE HERITAGE FOUNDATION

State

MORE MONEY COMING FOR DAMAGED EAGLE FORD SHALE ROADS

LT. GOV. CANDIDATES AGREE: TEXAS MUST STAY RED

JEFFERS: TEXAS ATTORNEY GENERAL CANDIDATES HIGHLIGHT TIES TO TED CRUZ

MCKENZIE: NORTH TEXAS WETLANDS' PIPELINE OF HOPE

ABORTION PROVIDERS CHALLENGE NEW TEXAS LAW IN FEDERAL COURT

ANOTHER CHILD DEATH RAISES CONCERN ABOUT SAFETY OF TEXAS FOSTER CHILDREN

SKIRMISH OVER LAWMAKER'S NAME IS LATEST IN A LONG LINE

TERRELL PSYCHIATRIC HOSPITAL HAS CORRECTED PROBLEMS, FEDERAL INVESTIGATORS SAY

AS TRAFFIC LAGS, TEXAS 130 TOLLWAY DEBT RATING LOWERED AGAIN

COULD NAME CHANGE SPUR VOTER ID ISSUE? OFFICIALS SAY NO

TESTIMONY BEGINS IN UT REGENT IMPEACHMENT INVESTIGATION

TAX CREDIT FOR TEXAS WIND COULD LAPSE

TOTH ANNOUNCES BID TO SUCCEED WILLIAMS IN SENATE

PATRICK SUGGESTS LBB ANALYSIS POLITICALLY MOTIVATED

US REP. PETE GALLEGO WANTS TO HELP FIX CONGRESS

HOW A TEXAS PHILANTHROPIST HELPED FUND THE HUNT FOR JOSEPH KONY

TEXAS A&M PURSUES A CAMPUS IN ISRAEL

TED CRUZ TAKES A VICTORY LAP WITH THE KING STREET PATRIOTS

County

LOCAL ELECTED OFFICIAL TO SWITCH PARTIES

ACLU SUES FEDS OVER EXCESSIVE FORCE CLAIM

City

DENTON SEEKS RESTRAINING ORDER AGAINST DRILLER

SITTING COUNCILWOMAN INTERVIEWS SUCCESSORS IN FORUM

AUSTIN GROUPS OPTIMISTIC ABOUT HEALTH INSURANCE MARKETPLACE

FORMER KEYE ANCHOR OLIVEIRA LAUNCHES COMMUNICATIONS FIRM

PARKER ADS SWING NEGATIVE

National

LOBBYING BONANZA AS FIRMS TRY TO INFLUENCE EUROPEAN UNION

AT HOME IN HOUSTON, CRUZ CONTINUES FIGHT AGAINST OBAMACARE

SPECIAL PACS SPENT MONEY AT RESORTS, BOOK SAYS

POLITICIANS' EXTORTION RACKET

OBAMA ADMITS WEB SITE FLAWS ON HEALTH LAW

NYT: HOW TO DISARM THE DEBT-CEILING THREAT FOR GOOD

JUSTICES RETURN TO A DEATH PENALTY ISSUE

CHAMBER OF COMMERCE CHIEF SLAMS TED CRUZ OVER SHUTDOWN

POLLS: SHUTDOWN NIGHTMARE FOR REPUBLICANS

6/23/2014

Voter ID letter for Stan Stanart

From: Tina Tran <Tina.Tran@senate.state.tx.us>
To: senatorrge <senatorrge@aol.com>
Cc: Brandon Dudley <Brandon.Dudley@senate.state.tx.us>
Subject: Voter ID letter for Stan Stanart
Date: Fri, Oct 4, 2013 2:18 pm

Senator, Sens. Whitmire and Garcia have agreed to sign on to the letter.

TT

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

6/23/2014

Voter ID letter to SOS

From: Tina Tran <Tina.Tran@senate.state.tx.us>**To:** senatorrge <senatorrge@aol.com>**Cc:** Brandon Dudley <Brandon.Dudley@senate.state.tx.us>**Subject:** Voter ID letter to SOS**Date:** Thu, Oct 3, 2013 9:48 am

Senator, since voter id is in effect and the November election is around the corner, staff felt it would be a good to send a letter to the Secretary of State asking them to ensure that their outreach efforts are adequate and specifically targeting the 700,000 + registered voters they know may not have the proper identification. We can send a similar one to Stan Stanart asking him to undertake similar outreach efforts as Dallas County, which has committed \$145,000 to reach out to these voters.

A draft of the letter is below. Please advise.

October 3, 2013

Secretary John Steen

Texas Secretary of State

P.O. Box 12887

Austin, Texas 78711-2887

Dear Secretary Steen:

I write to you today to express my grave concern with regard to the implementation of Texas' voter identification law and its potential effect on hundreds of thousands of eligible voters in our state. Recent reports from your office identified about 700,000 registered voters for whom you could not find a driver's license or whose information did not match that on their driver's license. Given that only nine Texans have applied for and received the election identification certificate, this gives me great pause as to whether the state is doing enough to reach out to all eligible voters to ensure that they will be able to exercise their right to vote come election time. With the general election about a month away, making every effort to reach out all eligible Texas voters is of the utmost importance.

I am aware that your office recently launched 25 mobile units and extended office hours across the state to issue election identification certificates. While mobile units and extended hours are a start, I would venture that 25 units is woefully inadequate to accommodate Texas' 254 counties, 81 of which lack any DPS office at all. Any adequate measure of outreach for a state the size of Texas is a herculean task, one far too big to remedy with 25 mobile units.

6/23/2014

Voter ID letter to SOS

Furthermore, the mobile units do nothing to address the obstacle that many Texans will face when trying to obtain the underlying documents required for issuance of an election identification certificate. There was a recent report of an 84 year old woman, Ms. Dorothy Card, from Lufkin who was denied an election identification certificate because, even after traveling three times to the DPS office with the aid of her daughter, she could not satisfy the documentation requirements. I would be very careful not to dismiss her story as an outlier, as it is very likely that there are thousands of Texans that are in similar circumstances but may not have the resources to be as persistent.

In anticipation of the fast approaching November election, many counties have taken it upon themselves to help their residents prepare for the identification requirement. For instance, Dallas County recently announced its outreach strategy to search state driver's license and identification records for a list of registered voters who lack some of the identification cards necessary to vote and those whose names are different on state-issued cards and county-issued voter registration certificates. Once identified, the county plans to mail notices to those voters advising them that they may not be able to meet the new voter identification requirements. Although this plan will not address all of the issues, it is a commendable effort and one I think the state should follow. Not many Texas counties will have the funds to follow Dallas County's lead, and as such it would put the residents of these counties at a severe disadvantage.

Since it is the state that is placing additional barriers on citizens' constitutional right to vote, the state has an obligation to send out similar letters to registered voters that lack the required identification. If Dallas County can do it, I trust the Secretary of State's office can as well. Alternatively, should counties undertake similar efforts on their own, the state should reimburse counties for their expenses.

Senate Bill 14 had a fiscal note of over \$2 million, including "\$0.5 million to research and develop ways to inform the public of the new identification requirements" and "\$1.5 million for media advertisements." I can think of no better way to spend that money than direct outreach to the exact individuals that we know will be impacted. I'd take the pinpoint, rifle-shot approach at outreach every time that it's available over the shotgun blast of media advertisements.

In addition, I urge your office to work with other state agencies and local officials to develop a process by which voters wishing to obtain an election identification card are assisted with acquiring the required underlying documents at no cost to the voter. Three trips to a DPS office to acquire an election identification certificate is inconvenient at best and prohibitive at worst.

As I have made clear to you previously, I strongly support protecting the integrity of the vote. At the same time, it's inarguably just as important to ensure the means to exercise that right are equally

6/23/2014

Voter ID letter to SOS

accessible to all Texans. As the state's Chief Election Officer, I know you want to ensure that all eligible Texans have equal opportunity to have their voice heard at the voting booth and that such fundamental right is not hindered. I look forward to receiving your response in writing. Thank you for your attention to this important issue.

Sincerely,

Rodney Ellis

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

6/23/2014

FW: DPS / voter ID

From: David Edmonson <David.Edmonson@senate.state.tx.us>

To: senatorrge <senatorrge@aol.com>

Cc: Brandon Dudley <Brandon.Dudley@senate.state.tx.us>; Jeremy Brown <Jeremy.Brown@senate.state.tx.us>

Subject: FW: DPS / voter ID

Date: Thu, Sep 19, 2013 1:59 pm

Looks like we might've won. See the email below from Bud Kennedy.

From: Bud Kennedy [mailto:budken@gmail.com]

Sent: Thursday, September 19, 2013 1:56 PM

To: David Edmonson

Subject: Re: DPS / voter ID

Update: After saying walk-in applicants for voter ID cards would be checked for warrants, @TXDPS now says they won't check. Via Tom Vinger

Twitter @BudKennedy and @EatsBeat

Facebook "Bud Kennedy's Eats Beat"

Get alerts at <http://www.rebelmouse.com/budkennedy>

6/23/2014

Re: Release

From: Rodney Ellis <senatorge@aol.com>
To: Jeremy Warren <Jeremy.Warren@senate.state.tx.us>
Subject: Re: Release
Date: Thu, Jul 25, 2013 11:28 am

Post on Internet and send to other D legislators.

Rodney Ellis
Texas State Senator
440 Louisiana, Suite 575
Houston, TX 77002
713.236.0306

On Jul 25, 2013, at 10:01 AM, Jeremy Warren <Jeremy.Warren@senate.state.tx.us> wrote:

Still waiting for the BD and DE to weigh in but thought you would want it out pretty soon.

<image003.jpg>

For Immediate Release
Jeremy Warren

July 25, 2013
463-0113

Contact:

(512)

Ellis Applauds DOJ Effort to Require Continued Preclearance for Texas

Documented evidence continues to show discrimination in Texas' election procedures

(Austin, Texas)//Senator Rodney Ellis (D-Houston) today applauded the decision by the US Department of Justice to fight to require Texas to receive preclearance for any voting or election law changes.

"I applaud Attorney General Eric Holder and the US Department of Justice's decision to join the lawsuit that would require Texas to submit all voting law changes for preclearance for the next decade," said Ellis. "Anyone who thinks Texas doesn't need continued oversight simply hasn't been paying attention."

Despite the US Supreme Court's ruling on the Voting Rights Act, Texas has clearly shown a repeated and documented history of discrimination against minority voters. In fact, last year Texas was singled out as the only state to pass redistricting maps which were deliberately discriminatory.

6/23/2014

Re: Release

In 2011, Texas also approved so-called voter ID legislation that will make it significantly more difficult for approximately one million eligible Texas voters to exercise their right to vote. The legislation established some of the most restrictive voting laws in the nation. The law -- opposed by groups ranging from AARP to MALDEF to the NAACP and LULAC -- requires voters to show picture identification in order to vote. Throughout this entire process, Texas consistently failed to produce information showing the law would not have a discriminatory impact on minority voters.

"This is hopefully just the first step," said Ellis. "Congress needs to take action revamp the Voting Rights Act to create a formula which takes into account current and historical discrimination and bias while meeting the requirements the Supreme Court has set out. Otherwise, the voting rights of millions of Americans are in peril."

In the last decade, Texas continued to experience tremendous growth, and that meant our state added four new members of Congress, and dramatically changed State House and Senate districts. African Americans and Hispanics accounted for over 90 percent of that growth, which should have meant additional seats for minority candidates. Unfortunately, the Republican-dominated legislature drew maps which ignored this growth and packed minority voters into fewer districts, weakening their voting strength while strengthening Anglo voting power in Texas. For instance, of the four congressional districts created, only one real minority opportunity district was created, despite the fact that nearly all Texas' growth is due to minority -- predominantly Hispanic -- growth. And that district was in North Texas, not Harris County.

In state legislative races nearly 90 percent of Texas growth was due to growing minority population, yet we gained no new seats in House and Senate. Texas is now 54.1 percent minority -- and growing -- yet only one-third of Texas legislative seats are minority opportunity districts.

"It is a sad and discomfiting fact that Texas is the only state in the country which adopted redistricting plans following the 2010 Census that have been ruled to be deliberately discriminatory to African-American and Latino voters," said Ellis. "Other states covered under Section 5 of the Voting Rights Act, including Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, were able to adopt redistricting plans without deliberately discriminating against their minority citizens. In each instance these other covered states gained approval of their plans under the Voting Rights Act, but not Texas."

###

David Edmonson

From: Sakina Lanig <slanig@gmail.com>
Sent: Monday, June 23, 2014 6:57 PM
To: David Edmonson
Subject: Fwd: Action Alert: Voter ID in Committee Tuesday

----- Forwarded message -----

From: **Boyd L. Richie** <yellowdog@txdemocrats.org>
Date: Mon, Feb 28, 2011 at 6:29 PM
Subject: Action Alert: Voter ID in Committee Tuesday
To: SLANIG@gmail.com



Dear fellow Democrat,

Your action is urgently needed. Tomorrow, the House Select Committee on Voter Impersonation and Voter Fraud will hear SB 14, the Voter ID bill.

To show your opposition to the Voter ID bill, you can:

1. Attend the hearing, register your opposition to the bill or testify against it.

8:00 AM, Tuesday, March 01, 2011

John H. Reagan Building, Austin, TX; Room 140. [View map here.](#)

2. Call or email committee members – tell Republican members why you oppose the bill and thank our Democratic members for standing strong against it.

Get committee member phone numbers and email links [via this website.](#)

Key Points on the Voter ID Bill:

- The Voter ID bill is a destructive solution to a problem that doesn't exist.
- In 2006 Texas Attorney General Greg Abbott led a "voter fraud" goose chase that cost Texas taxpayers \$1.4 million and failed to prosecute a single case of voter impersonation (the only type of voter fraud addressed by voter ID requirements).

- Voter ID legislation is opposed by nonpartisan groups like the League of Women Voters because it is an attempt to use the reins of government to gain partisan advantage by making it harder for certain Texans to vote – especially the elderly, low income families, and people of color.
- Texas lawmakers should focus on the real emergency – our state's \$27 billion budget shortfall – and stop playing politics with voting rights.

Thank you for your support in this important effort.

Boyd L. Richie

Boyd L. Richie
Chairman
Texas Democratic Party

JOIN OUR EFFORT!

CONTRIBUTE TODAY!



Contributions or gifts are not tax deductible for Federal income tax purposes.

Pol. Adv. paid for by the Texas Democratic Party, www.txdemocrats.org.
This communication is not authorized by any candidate or candidate's committee.

505 W. 12th Street
Suite 200
Austin, TX 78701



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S.N.L.!
Sakina

David Edmonson

From: Sakina Lanig <slanig@gmail.com>
Sent: Monday, June 23, 2014 10:20 PM
To: David Edmonson
Subject: Fwd: I'm a blogger now - Sondra Haltom

----- Forwarded message -----

From: Carl Whitmarsh <cewdem@earthlink.net>
Date: Tue, Aug 30, 2011 at 12:35 PM
Subject: I'm a blogger now - Sondra Haltom
To: Kevin Hoffman - GHDC <kjhman12002@yahoo.com>, Linda Morales <lindamorales72455@sbcglobal.net>, President Janaeya Carmouche - HCYD <jdcarmouche@gmail.com>, John Nechman <nechlaw@yahoo.com>, President Noel Freeman - HGLBT Pac <noel@noelfreeman.com>, Judge Phyllis Randolph Frye <PRFrye@aol.com>, Mother Ray Hill <hillray@sbcglobal.net>, President Phillip McNutt - HASD <phillipmcnutt@gmail.com>, Greg Jeu <Greg@outsmartmagazine.com>, Judge Barbara Hartle - COH PJ <bhartle710@aol.com>, Judge Charles A Spain Jr - COH <cspain@alumni.rice.edu>

----- Original Message -----

From: Sondra Haltom
To: Sondra Haltom
Sent: Tuesday, August 30, 2011 9:49 AM
Subject: I'm a blogger now

We're making one last push for signatures for our petition to DOJ to oppose the voter id bill. We'll cut it off on Aug 31 and then send all the signatures and a cover letter to DOJ. If you have not already, please sign and forward to others. <http://www.txdemocrats.org/doj-petition/>

Also, in connection with the petition, I have written **my very first blog post**. I am told this officially makes me a blogger. Feel free to laugh. You can read the post here <http://www.txdemocrats.org/thepartyinsider/>.

Sondra Haltom

Political Director

Texas Democratic Party

505 West 12th Street, Suite 200

512-478-9800 phone

512-480-2500 fax

Support the Texas Democratic Party by becoming a Texas Majority Builder at www.txdemocrats.org

--
S.N.L.!
Sakina

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Q & A fr

Q: Didn't the U.S. Supreme Court throw out Section 5 of the Voting Rights Act – the preclearance requirement — earlier this summer?

Li: No. What it did was throw out the formula for determining whether a state was covered by Section 5. That formula was based on whether a state had problems in 1972 or earlier. The Supreme Court said it was too out of date. The Section 3 claim is based on more recent alleged 'bad acts' and is different.

What is Section 3 and how does it apply (or not) to Texas?

Section 3 is a remedy a court can impose if it finds a jurisdiction has engaged in intentional discrimination in its voting and election practices. If the court makes that finding, then it can require the jurisdiction to get preapproval for any future voting changes for a period determined by the court. That's a process known as 'bail in.'

Section 3 hasn't applied to Texas up until now because the state was covered by a nearly identical requirement under Section 5.

What did Holder actually file Thursday?

The Justice Department filed a statement of interest agreeing with the plaintiffs in Texas' redistricting case. Its papers asked that Texas be required to preclear its electoral changes for a period of at least 10 years.

What, broadly, do the plaintiffs in the case allege? What is the state's response?

The plaintiffs' claim is that the discriminatory intent in the 2011 maps, combined with a history of discriminatory behavior by Texas and local governments in Texas, including a number of examples of recent behavior, merit putting Texas back under preclearance review.

The state's counter is to argue that there isn't a final ruling of discriminatory intent on the 2011 maps and that such a ruling would be inappropriate now because the state has adopted new maps. Basically, the state's position is that the only maps the court can rule on now are the 2013 maps, which fix a lot of the more problematic features of the 2011 maps. The plaintiffs would say, though, that's like saying — having gotten caught shoplifting — you can avoid punishment just by putting the stolen goods back on the shelf.

Will the court case affect the November election, when Texas' voter ID law is due to take effect? What about the latest redistricting maps to be used in the March primaries?

It's too early to tell. But if the court does decide to bail in Texas, then the voter ID law most likely would not be enforceable. On the legislative and congressional maps, it will depend (again assuming bail in) on whether the court decides that the maps need to be changed to address either

discriminatory effect or intent. If that process can't be completed before the start of the election cycle, it's probable that the court would put in place another set of interim maps.

What's the next step?

There are more briefs due by Aug. 1 after which the court will likely set a hearing. African-American and Hispanic groups also are asking the court in Washington to impose Section 3 preclearance in that case (which started off as a Section 5 case), so at least for the next couple of weeks things will be moving along a parallel track for a bit. Section 3 is new to folks in former Section 5 states like Texas, so there is a lot to sort out.

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Questions for Democratic Expert Witnesses

From Harold Cook, 1/25

Below are the questions for our invited testimony - Gary Bledsoe (NAACP), Chase Bearden (Coalition for Texans with Disabilities), and Luis Figueroa (MALDEF). Dr. Andres Tijerina (TX History Professor) is giving more of a history lesson of minority disenfranchisement, so there are no questions advanced for Dr. Tijerina. Some may occur to members in the course of his testimony.

Keep in mind that since there is a time limit on invited testimony of 10 minutes, any leading questions asked by a Senator will extend our witnesses time.

Questions for Gary L. Bledsoe (Texas NAACP)

Q. Some say the Voting Rights Act is no longer needed is a thing of the past that is no longer needed in Texas. Can you cite examples or give reasons that show why we still need voting rights protections?

Q. Is there a well-documented history of voter suppression that is specifically related to race and ethnicity, and how would this Voter ID law fit into that history?

Q. How would this Voter ID law discriminate against people of color?

Q. If the Legislature exempts certain classes of voters, like seniors, from this bill, would that direct an even greater amount of its potential to disenfranchise voters at African Americans and Hispanics?

Q. Did you see the materials the Attorney General used in his highly publicized 2005-2006 campaign against "Voter Fraud"?

Q. In his anti-Voter Fraud campaign, the Attorney General used materials that included images of sickle cell stamps and photos of African Americans to illustrate signs of voter fraud – what does that tell you about the state's attitude and enforcement of voter fraud, and did the conduct and targets of Abbott's prosecutions fit into a pattern of vote suppression in Texas?

Q. Gary, you suggest a photo ID law would suppress African American turnout, but some Voter ID advocates claim Voter ID laws do not suppress turnout, and even claim turnout increases in Indiana and Georgia in 2008 were caused by Voter ID laws, compared to 2004 turnout when there was no photo ID law in those states. Obviously, turnout can vary a lot between election cycles based on enthusiasm, candidates, and other factors. Did African American turnout in Texas increase in 2008 without a Voter ID law, and do you think the reason might be the same as the real reason for reports of higher turnout in Indiana and Georgia?

Questions for Luis Figueroa, MALDEF

Q. Could you compare the legislation before us to the corresponding legislation passed in Indiana, Georgia, and Arizona?

Q. Could you go over any implementation issues or challenges of the voter ID law in Arizona, and how the law may have disenfranchised Latino voters?

Q. What do you believe the net impact of voter ID legislation on Latino voters is?

Q. Are Latino voters less likely to have the identification required by the bill? Why?

Q. Have Latino voters experienced a history of disenfranchisement in Texas? Might this longstanding history contribute to a distrust of the

electoral system, and thus contribute to lowering voter turnout among this ethnicity, even among those who might possess the required identification?

Questions for Chase Bearden (Coalition of Texans with Disabilities)

Q. Are people with disabilities less likely to have a current drivers license, military ID, or passport? If so, why?

Q. What additional barriers do people with disabilities have in obtaining the forms of ID requested by this bill?

Q. Would the voter identification required in this bill be sufficient to ensure access to accurate information about this new ID requirement information for the full range of people with disabilities in our state?

Q. What affect do you believe SB 14 would have on turnout of voters with disabilities?

Q. Could SB 14 negatively impact any voters who have a photo ID?

Q. What affect do you believe SB 14 would have on the number of provisional ballots cast by voters with disabilities? What barriers are in place that would make it difficult for people with disabilities to return to the election office to cure a provisional ballot?

Q. What are the most pressing issues reported by voters with disabilities? And, does SB 14 address any of these issues?

Q. Are there any issues affecting Texans with disabilities that would better utilize the funds required to implement SB 14?

Question & Answer**SB 14 Amendment: Disparate Impact Report - No Effective Date**

Question	Answer
What does this amendment do?	This amendment requires the Secretary of State to produce an annual report determining whether the changes in law instituted via SB 14 produce a disparate impact on any population subgroups in our state.
Why is this needed?	Many members have concerns that the increased ID requirements of SB 14 will lead to a disparate impact on particular segments of Texans. By requiring the Secretary of State to make a determination regarding whether there will be a disparate impact, it helps to alleviate those concerns.
What does the bill currently say?	SB 14 does not contain any reporting requirements.
What population subgroups must the report address?	Women, military, elderly, persons with disabilities, students, and racial/ethnic minorities.
What must the report address?	<p>The report must at least address the following:</p> <ul style="list-style-type: none"> • the number of voting eligible residents that have and do not have a form of ID required under SB 14; • the number of voting eligible residents with a required form of ID that fails to comply with SB 14 only because the address on the ID is not current, the last name on the ID does not match current records (maiden name), or the ID is expired; • the average wait time, by voting precinct, at the nearest DPS licensing facility that provides drivers licenses or personal IDs; • the number of eligible voters that were prevented from voting due to the enhanced ID/documentation requirements made via SB 14; • the number of eligible voters who were required to file provisional ballots due to SB 14

	<p>— and the number whose provisional ballot was eventually not accepted; and</p> <ul style="list-style-type: none"> • an analysis, by subgroup, of whether the changes made in SB 14 would produce a disparate impact on women, the elderly, persons with disabilities, students, or racial/ethnic minorities.
Can't voter turnout figures be used to determine whether there was a disparate impact?	As any political hack knows, turnout can vary radically between election cycles based on enthusiasm, candidates, and other factors. Every election is different from the previous one, so trying to determine a disparate impact based solely on turnout numbers is not an appropriate metric. After all, Republicans in 2009 pointed to the huge increase in minority voters (particularly African Americans) in the 2008 general election as evidence that voter ID requirements do not impact minorities' ability to vote. What they fail to point out, of course, is that the first African American president was elected that year.
Have other states required a disparate impact report?	Staff's research suggests no, but we are not able to confirm with absolute certainty.
How will the Secretary of State collect the required data?	The text of the amendment provides the Secretary of State the ability to promulgate rules, if necessary, for data collection efforts required to produce the report.
What is the fiscal impact?	Any costs of compiling data and producing an annual report would be relatively minimal.
How could <u>women</u> be impacted by the requirements of SB 14?	<p><u>Women are less likely to have a photo ID.</u> According to the US Census, women are more than twice as likely as men not to have a drivers' license, one in every five senior women does not have a license, and, of all Americans without a license, over 70 percent are women.</p> <p><u>Maiden names.</u> Women may get married and change their name, yet fail to update their driver's licenses.</p>

<p>How could <u>seniors</u> be impacted by the requirements of SB 14?</p>	<p>In 2006, the Brennan Center for Justice found that 18% of citizens 65 and over have no photo ID. For many seniors, getting a state-issued photo ID is not only costly and time-consuming, it is also impractical.</p> <p>The Brennan Center also found that, in Wisconsin, 23% of persons aged 65 and older did not have a Wisconsin driver's license or photo TD, and 70% of those were women.</p> <p>Despite SB 14 containing an exemption for voters 70 over, the age range is tied to a static date - i.e., the exemption only applies to a voter who "was 70 years of age or older on January 1, 2012 ..."</p> <p>Thus, that will be a diminishing number of voters over time. Eventually, all voters, regardless of age, will be forced to show ID.</p>
<p>How could <u>persons with disabilities</u> be impacted by the requirements of SB 14?</p>	<p>Persons with disabilities are less likely to drive and therefore have a driver's license. According to disability advocates, nearly 10% of the 40 million Americans with disabilities do not have a state-issued photo ID.</p> <p>Further, it is a time-consuming process to obtain a photo ID, even more so for someone with a physical disability.</p>
<p>How could <u>students</u> be impacted by the requirements of SB 14?</p>	<p>Many students are unlikely to have a driver's license or photo ID acceptable under SB 14 that reflects their campus address - the same location that many students register to vote. In Wisconsin, a study found that 97 percent of students did not have their current address on their photo ID.</p> <p>That is relevant because SB 14 does not place a proscription on whether poll workers could potentially deny an otherwise-eligible voter the right to vote solely on the addresses not matching up. (Van de Putte has an amendment to address this)</p>

**How could
minorities be
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A 2006 study by the nonpartisan Brennan Center at NYU Law School found that 25% of African Americans have no government-issued photo ID.

A University of Wisconsin study found that, in Wisconsin, the numbers of nonwhites without photo ID differed dramatically from the numbers of Anglos:

- 52% of nonwhite residents 18+ (compared to 17% of white residents)
- 78% of black men 18-24 (compared to 36% of white men 18-24)
- 63% of Hispanic women 18-24 (compared to 25% of white women 18-24)

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Question & Answer
SB 14 Amendment: Disparate Impact Report

Question	Answer
What does this amendment do?	This amendment requires the Secretary of State to produce an annual report determining whether the changes in law instituted via SB 14 produce a disparate impact on any population subgroups in our state. It would also make the effective date of SB 14 contingent upon a determination by the Secretary of State that there would not be a disparate impact on any group.
Why is this needed?	Many members have concerns that the increased ID requirements of SB 14 will lead to a disparate impact on particular segments of Texans. By requiring the Secretary of State to make a determination that there will not be a disparate impact prior to the bill going into effect, it helps to alleviate those concerns.
What does the bill currently say?	SB 14 does not contain any reporting requirements.
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	<p>14; and</p> <ul style="list-style-type: none"> • an analysis, by subgroup, of whether the changes made in SB 14 would produce a disparate impact on women, the elderly, persons with disabilities, students, or racial/ethnic minorities.
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- 63% of Hispanic women 18-24 (compared to 25% of white women 18-24)

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TALKING POINTS FOR VOTER ID PANEL

- Everybody in this room knows this is an issue Republicans are trying to use to gain electoral advantage. Even Republican strategist Royal Masset acknowledged that a photo ID bill would increase Republican performance by 3%. That is, 3% of the total vote that was Democratic, would be effectively disenfranchised.
- As my friend Gerry Hebert said at a hearing on this issue on the House side to Republican Chairman Leo Berman, you'll either have the votes or you won't. I am confident that in the Senate we will have the votes to block.
- There is some concern that the Lt. Gov will suspend the 2/3 rule and bring this to the floor. He nearly did it last session and the pressure will be on him to do so this time, too, with a Republican primary for Governor less than a year away at that point.
- There was a lot of gnashing of teeth after the Supreme Court decision came out. A lot of people were upset with Justice Stevens for siding with Chief Justice Roberts and Justice Kennedy.
- But if you look at the opinion, Stevens might have actually done something very clever. By joining Roberts and Kennedy, he was able to pen an opinion that left the door open to specific cases in which a voter is disenfranchised.
- For example, look no further than Indiana, which was the subject of the Supreme Court case. At the time of the hearing, the Democratic Party of Indiana had no specific cases of disenfranchisement to cite. They were talking in hypotheticals.
- After the high profile primary held there just after the ruling came out, there was a widely publicized story about nine nuns that had no proof of identity and could not vote.
- Under Stevens' opinion, the door is left open to a challenge for these nuns, or any other individual or groups that are disenfranchised. Had he not joined the majority, a 5-4 decision penned by Roberts, or worse Scalia, would certainly have firmly closed the door to any future challenges.
- To the merits of the arguments: We know now, based on the conclusion of Attorney General Abbott's investigation, that there is very little, if any, voter fraud that a photo ID requirement would stop. After \$1.4 million spent and two years worth of investigating, there were no cases—zero—in which voter impersonation occurred.

- Also, Harvard Law Review published an extremely significant essay in their May issue that I think we all need to be familiar with and talk about.
- Since photo ID does not stop fraud, the only somewhat decent rationale Republicans had for it was that it would restore confidence in the election system. A dozen briefs filed in the Supreme Court case made this untested assertion. The state of Indiana's brief, for example, contained an entire section entitled "The need to preserve public confidence in elections justifies the Voter ID Law".
- In the study published in the Harvard Law Review, the researchers—spread out over 37 universities—questioned over 36,000 people. The surveyed Republicans and Democrats, balanced for gender, race, socioeconomic status, etc.
- They found that a photo ID would not bolster confidence or participation in the electoral system in America. They varied the questions for fairness, but it didn't matter how they asked it, photo ID did not increase confidence.
- The House had its hearing on photo ID last January. Senate State Affairs, on which I serve, will have its hearing sometime before session. I can assure you that Texas Senate Democrats will fight photo ID just as we did last session.
- We will need your help to get the word out to the public that photo ID is a tool to disenfranchise and does nothing to solve any actual problem. Our biggest obstacle is still that to passive observers this seems reasonable. Most people don't know that there are literally millions of Americans that have no photo ID. We need to make sure they know.
- Also, I think we need to push proactively for an agenda of securing and expanding the vote. We can help security by requiring a voter verified paper trail for electronic machines. And we can expand the vote by following North Carolina's lead on allowing eligible voters to register and vote on the same day during the early voting period. Election day voter registration won't pass given the current make-up of the Legislature, but allowing registration during the early voting period might be a compromise the other side can take.
- The real problem with our election system is not voter impersonation, which is the only type of voter fraud stopped by a photo ID. The real problem is low participation rates. We need to be bringing more people into the process, not shutting them out.

TEXAS Grants -- We need to do more to open the door to college

To open the doors to college to more young Texans, in 1999 I passed legislation creating the TEXAS Grants program. TEXAS Grants provide tuition and fees to students who have taken the *Advanced* or *Recommended* curriculum in high school. By every account, the program has been a runaway success.

In 2000, the first year of the program, nearly 11,000 students received a TEXAS Grant to pay for college; by 2002 68,178 students received a TEXAS Grant -- every eligible student. Unfortunately, frozen funding beginning in 2003 and the devastating impact of tuition deregulation has left more and more students on the sideline.

In 2003, we faced a \$10 billion budget shortfall and had to make some very difficult cuts. During the worst of times, we asked Texans to sacrifice but we also sacrificed some people. We made a promise that, when the economy improved, we would restore those cuts and build a stronger foundation for Texas families.

Last month, with a \$14 billion surplus, the legislature passed a \$150 billion budget, but we still have still not brought the TEXAS Grant program back to where they should be. We are still sacrificing middle class and low-income Texans in the best of times.

Now, we did make some progress. We did increase TEXAS Grant funding from \$334 million to \$427 million, and more than 35,000 additional students will receive aid to go to college. But, despite those increases, fewer students will receive a TEXAS Grant next year than received a TEXAS Grant in 2002, and almost 200,000 fewer children will be served under CHIP than in 2002. That is just not acceptable to me. I think we could have done a lot better.

Next session I will continue to push for full funding of the TEXAS Grants program to ensure that every eligible student, every child who is working hard and playing by the rules gets what we promised them.

Ending Tuition Deregulation

One of the biggest factors in the dwindling number of TEXAS Grants (not to mention the virtual elimination of the Texas Tomorrow Fund) is the skyrocketing cost of college tuition. Since 2003, when tuition deregulation was passed, tuition has increased by 80 percent, with no end in sight. It is simple math: if tuition goes up, each TEXAS Grant costs more money. We are not putting enough money in to keep up with the cost of tuition deregulation.

Let's look at the raw numbers. In spring 2003, the statewide average designated tuition was set at \$550 per semester (15-hours). In fall 2003 -- the last semester in which the legislature had control of setting tuition rates -- the statewide average was \$625. By spring 2004, the average had risen to \$715 per semester; fall 2006, the statewide average has soared to \$1,128. The cost at our flagship and major public universities is even higher, with tuition increasing by more than 100 percent at the University of Texas at Austin and Texas A&M University.

Higher education in Texas was once one of the best bargains in the nation; now, we are one of the least affordable. The cost of going to college in Texas now exceeds the national average; when you take into account the median income in Texas is below the national average, it is no wonder why Texas now receives an "F" when it comes to college affordability. If we continue down this path, allowing tuition to go up and up and up, fewer and fewer Texas families will be able to afford the rising cost of college.

To deal with this issue, I filed several bills -- SB 96, SB 577, SB 578, and SB 579 -- to reign in tuition deregulation, from capping it at 5 percent per year to virtually eliminating it after 2009. Unfortunately, each bill failed to pass the Senate.

This issue is not going to go away. More and more Texas families are feeling the pinch of skyrocketing college costs and a severe crisis is blooming. I predict we will be back here in two years talking wrestling with this issue again.

Protecting our right to vote/ staving off voter ID

Like last session, I helped defeat plans to enact voter intimidation laws in Texas, so-called Voter ID efforts that are nothing more than Jim Crow, dressed up a bit for the 21st Century.

These bills would have made it much more difficult for elderly, low-income and minority Texans to vote. Under these provisions, voters would be required to a voter registration card *and* picture identification or two forms on non-picture identification in order to vote. The fact of the matter is that those calling for these new laws cannot point to a single case of fraud where requiring an ID would have had an impact, but we have study after study after study showing that ID laws dramatically reduce turnout, especially for the elderly, African Americans and Hispanics.

I'm going to fight voter ID as long as I'm in office. We won't go back.

Talking Points: Conversation with DOJ re: Voter ID

Thursday, April 5, 2012

3:30 pm

DE

Who: you will be calling Jennifer Maranzano with the Department of Justice's Voting Rights division.

Maranzano has been with the DOJ since May 2008. Prior to that, she was a staff attorney with the Advancement Project, a DC-based organization that works with communities seeking to build a fair and just multi-racial democracy using law, public policy, and strategic communications. She has her J.D. from the University of Virginia.

What will be discussed: per Maranzano, she is interested in talking generally about the history of voter ID legislation in Texas and your particular role.

Additionally, they are seeking declarations from certain members on the legislative privilege issue currently being argued before the court (i.e., whether or not the DOJ should be able to depose members that supported the bill in order to determine whether there was discriminatory intent). So Maranzano may ask if they can put into writing some of your statements to supplement the briefing they are currently doing.

(remarks begin on next page)

Current procedural status:

- SB 14 (82R), the voter ID bill, was rejected for preclearance by the Department of Justice on March 12, 2012. The DOJ concentrated on the fact that the state had not met its burden of showing that the law did not have a disparate effect on minority voters.
- Abbott had already filed suit in Washington, D.C. before the denial of preclearance was ever announced. This three-judge panel is now in the process of hearing the case. The three-judge panel consists of an Obama appointee, a Clinton appointee, and a George W. Bush appointee.
- A few days after preclearance was denied, Texas filed an amended complaint directly challenging the constitutionality of Section 5 of the Voting Rights Act.
- The court is currently accepting briefing on whether or not Texas can rely on a "legislative privilege" that would prevent the DOJ from deposing members that voted in favor of voter ID.

History of voter ID bills that actually moved:

- **2005:** HB 1706 by Mary Denny (no sponsor identified). The bill passed the House 78-67; was referred to Senate State Affairs where it never received a hearing. Died.
- **2007:** HB 218 by Betty Brown (sp: Fraser). The bill died on the Senate floor after Dewhurst agreed to verify the vote on the motion to suspend. The initial vote was 19-9 with Uresti, Hegar, and Whitmire absent. There was a question over whether or not Whitmire was on the floor and had voted - his vote being essential due to the fact that Uresti was out sick. Shapleigh made a motion to verify the vote, which Dewhurst

agreed to, and Uresti walked on the floor with about 30 seconds to spare, ensuring that the motion to suspend failed on a 20-11 vote.

- **2009:** SB 362 by Fraser (sp: Todd Smith). On the first day of session, Williams sprung an amendment to the Senate Rules which allowed voter ID to bypass the two-thirds rule. Specifically, he amended the Rule 5.11 to provide that "a bill or resolution relating to voter identification requirements reported favorably from the Committee of the Whole Senate may be set as a special order for a time at least 24 hours after the motion is adopted by a majority of the members of the Senate." The bill passed the Senate as a whole 19-12 on March 18. It eventually died on the House floor thanks to chubbing.
- **2011:** SB 14 by Fraser (sp: Patricia Harless). Using the previous rule amendment and the vast majority held by Republicans in the House, the bill was jammed through quickly in both Houses, with the conference committee being appointed on April 11. It was eventually sent to the Governor on May 18.

What you did regarding SB 14 (82R):

Amendments

- You filed three amendments, all of which were tabled.
- The first amendment would have allowed student IDs from accredited public universities in Texas to count as an acceptable form of ID.
- The second amendment would have allowed election day registration.
- The third amendment would have required the Secretary of State to produce an annual report determining whether the changes in law instituted via SB 14 produce a disparate impact

on any population subgroups in our state. Under the amendment, the annual report produced by the Secretary of State must at least address:

- the number of voting eligible residents that have and do not have a form of ID required under SB 14;
- the number of voting eligible residents with a required form of ID that fails to comply with SB 14 only because the address on the ID is not current, the last name on the ID does not match current records (maiden name), or the ID is expired;
- the average wait time, by voting precinct, at the nearest DPS licensing facility that provides drivers licenses or personal IDs; and
- an analysis, by subgroup, of whether the changes made in SB 14 would produce a disparate impact on **women, the elderly, persons with disabilities, students, or racial/ethnic minorities.**

Letters

- Individually, you sent two letters to the DOJ requesting that they deny preclearance for SB 14. Both are appended to the end of this memo.
- The first letter, dated January 23, 2012, was sent immediately after the Secretary of State's final data submission to the DOJ.
 - Key portions:
"Throughout the debate over Senate Bill 14, my colleagues and I were repeatedly told that we should 'ask the Secretary of State' for information on the bill's potential impact on our constituents. Unfortunately, it turns out that the Secretary of State either never had access to much of that data, or the data that it did have

access to was 'highly misleading,' 'inaccurate,' and 'unreliable,' as is freely admitted in the State's letter."

...

"Therefore, given the State's failure to prove that Senate Bill 14 has neither the purpose nor the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, I respectfully request that the DOJ deny preclearance of Senate Bill 14."

- The second letter, dated March 8, 2012, was sent after the *Houston Chronicle* article ran pointing out that "with as many as 18 percent of all registered voters across Texas apparently lacking state government-issued photo IDs to match their voter registration cards," implementation of Senate Bill 14 could have widespread negative consequences for the upcoming election and beyond.

- Key portions:

"An article appearing in today's *Houston Chronicle*, 'Texas' contested voter ID law could shave voter rolls,' points out that 'with as many as 18 percent of all registered voters across Texas apparently lacking state government-issued photo IDs to match their voter registration cards,' implementation of Senate Bill 14 could have widespread negative consequences for the upcoming election and beyond. The article is attached for your review. It goes on to state that Senate Bill 14 will most heavily impact 20 of Texas' Hispanic majority counties, although 19 percent of Harris County, which constitutes the majority of my Senate district, also may lack the required photo identification.

Information on SB 14:

Overview

The Texas Legislature passed a law creating a photo identification requirement for voter qualification in all elections in Texas beginning January 1, 2012. Often referred to as "voter ID," the new law requires all voters to present one of the following forms of photo identification in order to be eligible to vote:

- Driver's license, election identification certificate, personal identification card, or concealed handgun license issued by the Texas Department of Public Safety;
- U.S. military identification card containing the person's photograph;
- U.S. citizenship certificate containing the person's photograph; or
- U.S. passport.

With the exception of the U.S. citizenship certificate, all of the forms of identification must be current or have expired no more than 60 days before being presented at the polling place.

Exceptions

There are very limited exceptions to the photo identification requirement:

- *Disabilities:* voters with a disability may apply with the county voter registrar for an exemption. Those who obtain a disability exemption will be allowed to vote by presenting a voter registration certificate reflecting the exemption.
- *Religious objection or natural disaster:* other exemptions include voters who have a consistent religious objection to

being photographed and voters who do not have any photo identification as a result of certain natural disasters as declared by the President of the United States or the Texas Governor. These voters may cast a provisional ballot at the polls and, in order for their vote to count, must sign an affidavit attesting to those facts in the presence of the county voter registrar within six days of the election date.

Provisional Ballots

Voters who show up at their polling place and discover they do not have a valid form of photo identification will be able to cast a provisional ballot. A provisional ballot, however, will not count unless the voter takes additional action after election day to prove they have the proper photo identification. In order for their vote to count, these voters have up to six days after the election to present to the county voter registrar appropriate photo identification.

Election Identification Certificate

If you or a family member do not have one of the forms of photo identification listed above, there is a free option available. The change in law creates a new form of photo identification called an election identification certificate, which the Texas Department of Public Safety will issue. Registered voters or those eligible to register who do not have a required form of photo identification may apply for the election identification certificate at any DPS driver license office. There is no fee for the certificate, but an applicant for an election identification certificate will be required to provide two pieces of secondary identification, or one piece of secondary identification and two supporting documents. If a voter does not possess any of these documents, the least expensive option will be to spend \$22 on a copy of the voter's birth certificate.